

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:07-cv-371-C**

ANNIE R. SMITH)
On Behalf of:)
ALFRED T. THOMAS (minor),)
)
Plaintiff,)
)
vs.)
)
THE UNITED STATES OF AMERICA,)
PETER GILCREST, NATHANIEL P.)
PROCTOR, YVONNE MIMS-EVANS,)
GRAHAM C. MULLEN, TIM D.)
SMITH, THOMAS C. PORTER, and)
HELMS, MULLIS & WICKER PLLC,)
)
Defendants.)

ORDER

THIS MATTER comes before the Court on plaintiff's Petition for Application to Proceed Without Prepayment Of Fees And Affidavit filed on December 23, 2007. (Doc. No. 26). Plaintiff seeks to proceed without prepayment of the \$455.00 filing fee in this case in which she appeals an Order denying her Motion for Extension of Time to File Response/Reply to the Fourth Circuit Court of Appeals. (Doc. No. 20). For the reasons stated below, the IFP Application will be granted in part and denied in part.

The plaintiff reports that she is currently unemployed but receives a pension in the amount of \$1,100.00 per month and \$700.00 in Social Security benefits. Additionally, she reports that she has about \$750.00 in checking and owns a house worth approximately \$96,000 with a mortgage. Plaintiff lists no outstanding debts or dependants. Based upon the information in the Application, the Court finds that the plaintiff does not have sufficient resources from which to pay the entire \$455.00 filing fee, but that she does have sufficient resources from which

to pay a partial filing fee.

THEREFORE, IT IS HEREBY ORDERED that the plaintiff's IFP Application be **GRANTED** in part and **DENIED** in part; that is within thirty (30) days of the date of this Order, the plaintiff shall remit a partial filing fee of \$350.00.

Signed: March 26, 2008

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

